



Queensland

Higher Education (General Provisions) Act 2003

Higher Education (General Provisions) Regulation 2004

Reprinted as in force on 1 January 2008

Reprint No. 1F

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2008 Act No. 25 s 138

Information about this reprint

This regulation is reprinted as at 1 January 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Higher Education (General Provisions) Regulation 2004

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Higher Education (General Provisions) Regulation 2004

[as amended by all amendments that commenced on or before 1 January 2008]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Higher Education (General Provisions) Regulation 2004*.

Part 2 Universities

2 Reduced application fee

- (1) Subsection (2) applies if—
 - (a) the Minister decides to refuse to grant an application, under section 6 of the Act, by the governing body of a higher education institution for the Minister's approval that the institution is suitable to be established or recognised, under an Act, as a university in Queensland; and
 - (b) within 6 months after the governing body receives an information notice for the decision, the governing body reapplies, under section 6 of the Act, for the Minister's approval that the institution is suitable to be established or recognised, under an Act, as a university in Queensland; and
 - (c) the second application addresses the reasons for the decision on the first application mentioned in the information notice for the decision.

- (2) The application fee for the second application is \$21895.50.
- (3) Subsection (2) does not apply for any subsequent application by the governing body, under section 6 of the Act, for the Minister's approval that the institution is suitable to be established or recognised, under an Act, as a university in Queensland.

Part 3 Overseas higher education institutions

3 Application for approval to operate in Queensland

- (1) An application by the governing body of an overseas higher education institution, under section 24 of the Act, for the Minister's approval to enable the institution to operate in Queensland must be accompanied by the application fee for each higher education course proposed to be offered in Queensland by the institution.
- (2) Also, if the course assessment panel for the application is to examine the applicant's proposed operation of the institution in Queensland, the applicant must, before the examination is conducted, pay the examination fee for each higher education course proposed to be offered in Queensland by the institution.
- (3) However, if the application is for 2 or more higher education courses and the same course assessment panel is to examine the applicant's proposed operation of the institution in Queensland for more than one of the courses, the applicant must, before the examination is conducted, pay—
 - (a) the examination fee for the highest fee course of the courses for which the proposed operation is to be examined or, if there is more than 1 highest fee course, the examination fee for one of them; and
 - (b) one-quarter of the examination fee for each other course for which the proposed operation is to be examined.

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(4) If the applicant has made 2 or more applications at the same time, the applications are, for subsection (3), taken to have been made as 1 application.

(5) In this section—

course assessment panel means the panel established by the Minister to assess the application.

highest fee course, of courses for which the applicant's proposed operation of the institution in Queensland is to be examined, means the course for which the highest examination fee is prescribed under this regulation.

4 Waiver of examination fee

(1) This section applies if, under the application, the institution proposes to offer in Queensland a higher education course both at the bachelor degree level and bachelor (honours) degree level.

(2) The examination fee for the bachelor (honours) degree level of the course is not payable.

5 Application for renewal of approval to operate in Queensland

(1) An application by the holder of an approval under part 3 of the Act for the renewal of the approval must be accompanied by the application fee for each higher education course to which the approval relates.

(2) Also, if the course assessment panel for the application is to examine the applicant's operation of the institution in Queensland, the applicant must, before the examination is conducted, pay the examination fee for each higher education course to which the approval relates.

(3) However, if the application is for 2 or more higher education courses and the same course assessment panel is to examine the applicant's operation of the institution in Queensland for more than one of the courses, the applicant must, before the examination is conducted, pay—

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- (a) the examination fee for the highest fee course of the courses for which the operation is to be examined or, if there is more than 1 highest fee course, the examination fee for one of them; and
 - (b) one-quarter of the examination fee for each other course for which the operation is to be examined.
- (4) If the applicant has made 2 or more applications at the same time, the applications are, for subsection (3), taken to have been made as 1 application.
- (5) In this section—

course assessment panel means the panel established by the Minister to assess the application.

highest fee course, of courses for which the applicant's operation of the institution in Queensland is to be examined, means the course for which the highest examination fee is prescribed under this regulation.

6 Waiver of examination fee

- (1) This section applies if the application relates to a higher education course offered both at the bachelor degree level and bachelor (honours) degree level.
- (2) The examination fee for the bachelor (honours) degree level of the course is not payable.

Part 4 Non-university providers

7 Application for accreditation of higher education course

- (1) An application by the governing body of a non-university provider, under section 46 of the Act, for the accreditation of 1 or more higher education courses must be accompanied by the application fee for each course.
- (2) Also, if the course assessment panel for the application is to examine the applicant's operation or proposed operation for a

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course, the applicant must, before the examination is conducted, pay the examination fee for the course.

- (3) However, if the application is for 2 or more higher education courses and the same course assessment panel is to examine the applicant's operation or proposed operation for more than one of the courses, the applicant must, before the examination is conducted, pay—
 - (a) the examination fee for the highest fee course of the courses for which the operation or proposed operation is to be examined or, if there is more than 1 highest fee course, the examination fee for one of them; and
 - (b) one-quarter of the examination fee for each other course for which the operation or proposed operation is to be examined.
- (4) If the applicant has made 2 or more applications at the same time, the applications are, for subsection (3), taken to have been made as 1 application.
- (5) In this section—

course assessment panel means the panel established by the Minister to assess the application.

highest fee course, of courses for which the applicant's operation or proposed operation is to be examined, means the course for which the highest examination fee is prescribed under this regulation.

8 Waiver of examination fee—bachelor (honours) degree

- (1) This section applies if, under the application, the non-university provider proposes to offer a higher education course both at the bachelor degree level and bachelor (honours) degree level.
- (2) The examination fee for the bachelor (honours) degree level of the course is not payable.

9 Waiver of examination fee—modified accreditation process

- (1) This section applies if—
 - (a) the governing body of a non-university provider is permitted by the Minister to participate in a modified accreditation process; and
 - (b) the governing body applies, under section 46 of the Act, for the accreditation of a higher education course.
- (2) Payment of the examination fee for the course is waived.
- (3) In this section—

modified accreditation process means a process under which the governing body of a non-university provider that has made an application, under section 46 of the Act, for the accreditation of a higher education course—

- (a) provides administrative support to the course assessment panel established by the Minister to assess the application; and
- (b) pays all costs relating to the examination by the panel of the provider's operation, or proposed operation, for the course.

10 Reduced examination fee—application made in accordance with MCEETYA procedures

- (1) This section applies if—
 - (a) an application is made, under section 46 of the Act, for the accreditation of a higher education course proposed to be offered in 2 or more States; and
 - (b) the application has been made in accordance with the MCEETYA procedures; and
 - (c) the Minister is not the receiving authority, for the application, under the MCEETYA procedures.
- (2) The examination fee for the course is \$2737.00.
- (3) This section is subject to section 7(3).
- (4) In this section—

MCEETYA procedures means the procedures approved by MCEETYA for considering an application by the governing body of a non-university provider for the concurrent accreditation in 2 or more States of a higher education course proposed to be offered by the provider in the 2 or more States.

11 Reduced examination fee—course accredited under corresponding law

- (1) This section applies if—
 - (a) an application is made, under section 46 of the Act, for the accreditation of a higher education course; and
 - (b) the course is accredited under a corresponding law.
- (2) The examination fee for the course is \$2737.00.
- (3) This section is subject to section 7(3).
- (4) In this section—

corresponding law means a law applying in the Commonwealth or another State that provides for the same matter as the Act or a provision of the Act.

12 Course survey data—Act, s 59

- (1) For section 59(2) of the Act, the day is 31 March of each year.
- (2) For the definition *course survey data*, paragraph (h) in section 59(3) of the Act, the following are other details—
 - (a) the date of birth of each student who undertook the course;
 - (b) the number of students who undertook the course by distance education;
 - (c) the number of students who undertook the course who were Aboriginal persons or Torres Strait Islanders;
 - (d) the regions in which students who undertook the course lived.

(3) In this section—

distance education see the *Education (General Provisions) Act 2006*, schedule 4.

Part 5 Miscellaneous matters

13 Fees

The fees payable under the Act are stated in the schedule.

Part 6 Transitional provision

14 Reduced application fee—universities

(1) Subsection (2) applies if—

(a) the Minister decided within 1 year before the commencement, under the *Higher Education (General Provisions) Regulation 1996*, section 10, that a proposed university should not be established or recognised, under an Act, as a university in Queensland; and

(b) within 6 months after the commencement, the governing body of the proposed university reapplies, under section 6 of the Act, for the Minister's approval that the proposed university is suitable to be established or recognised, under an Act, as a university in Queensland; and

(c) the second application addresses the reasons for the decision mentioned in paragraph (a).

(2) The application fee for the second application is \$20000.

(3) Subsection (2) does not apply for any subsequent application by the governing body, under section 6 of the Act, for the Minister's approval that the proposed university is suitable to

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be established or recognised, under an Act, as a university in Queensland.

(4) In this section—

commencement means commencement of this section.

Schedule Fees

section 13

Part 1 **Approval for establishment of, or recognition as, university**

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- | | | |
|---|---|-----------|
| 1 | Application for Minister's approval (Act, s 6(2)) | 43 791.00 |
|---|---|-----------|

Part 2 **Approval, or renewal of approval, for overseas higher education institution to operate in Queensland**

\$

- | | | |
|---|---|----------|
| 2 | Application for Minister's approval (Act, s 24(2)), or renewal of approval (Act, s 30(2)), for each course offered or proposed to be offered. | 547.50 |
| 3 | Examination of overseas higher education institution's operation (Act, s 30(4)), or proposed operation (Act, s 25(3)), for— | |
| | (a) diploma level course | 4 926.50 |
| | (b) advanced diploma level course | 6 568.50 |
| | (c) associate degree level course | 6 568.50 |
| | (d) bachelor degree level course | 7 663.00 |
| | (e) bachelor (honours) degree level course | 7 663.00 |
| | (f) graduate certificate level course | 4 926.50 |
| | (g) graduate diploma level course | 7 116.00 |
| | (h) masters (course work) degree level course | 8 210.50 |

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2008. Future amendments of the Higher Education (General Provisions) Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	21 May 2004	
1A	2004 SL No. 73	11 June 2004	
1B	2005 SL No. 286	1 January 2006	
1C	2006 SL No. 246	30 October 2006	
1D	2006 SL No. 245	1 January 2007	
1E	2007 SL No. 266	2 November 2007	
1F	2007 SL No. 247	1 January 2008	

5 List of legislation

Higher Education (General Provisions) Regulation 2004 SL No. 57

made by the Governor in Council on 20 May 2004

notfd gaz 21 May 2004 pp 191–4

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Higher Education (General Provisions) Amendment Regulation (No. 1) 2004 SL No. 73

notfd gaz 11 June 2004 pp 445–6

commenced on date of notification

Education Legislation Amendment Regulation (No. 2) 2005 SL No. 286 pts 1, 4

notfd gaz 2 December 2005 pp 1268–71

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2006 (see s 2)

Education Legislation Amendment Regulation (No. 1) 2006 SL No. 245 pts 1, 5

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2007 (see s 2)

Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2(3))

Education Legislation Amendment Regulation (No. 1) 2007 SL No. 247 pts 1, 6

notfd gaz 12 October 2007 pp 841–2
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 January 2008 (see s 2)

Education Legislation Amendment Regulation (No. 2) 2007 SL No. 266 ss 1, 21(1) sch 1

notfd gaz 2 November 2007 pp 1224–5
 commenced on date of notification

6 List of annotations

Reduced application fee

s 2 amd 2005 SL No. 286 s 17; 2006 SL No. 245 s 13; 2007 SL No. 247 s 15

Reduced examination fee—application made in accordance with MCEETYA procedures

s 10 amd 2005 SL No. 286 s 18; 2006 SL No. 245 s 14; 2007 SL No. 247 s 16

Reduced examination fee—course accredited under corresponding law

s 11 amd 2005 SL No. 286 s 19; 2006 SL No. 245 s 15; 2007 SL No. 247 s 17

Course survey data—Act, s 59

s 12 amd 2006 SL No. 246 s 90(1) sch 1; 2007 SL No. 266 s 21(1) sch 1

PART 7—CONSEQUENTIAL AMENDMENTS

pt 7 (ss 15–16) om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE—FEES

amd 2004 SL No. 73 s 3
 sub 2005 SL No. 286 s 20; 2006 SL No. 245 s 16; 2007 SL No. 247 s 18